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Via Electronic Filing and E-Mail @chabersnydeseibel@nysd.uscourts.gov

Hon. Cathy Seibel
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: Request for Extension of Time to Respond to First Amended Complaint
Case No.: 7:23-cv-04533
Re: *Project Veritas, et al. v. James O'Keefe, et al.*

Dear Judge Seibel:

Undersigned counsel has been engaged to represent Defendants James O'Keefe and O'Keefe Media Group (together "Defendants") in the above-referenced litigation. Pursuant to Fed. R. Civ. P. 6(b), Local Civil Rule 7.1(d) and Your Honor's Individual Practices, §I(E), Defendants move and request the Court extend the time for a response to the First Amended Complaint through and until **January 15, 2024**. In support Defendants state the following:

1) The Original Date:

Undersigned counsel for Defendants accepted service of the First Amended Complaint on October 17, 2023 [Dkts. 16-17]. Pursuant to Fed. R. Civ. P. 12, Defendants' response to the First Amended Complaint was initially due on November 7, 2023. The Plaintiffs consented to a 30-day extension through and until December 7, 2023, to allow Plaintiffs time to serve the remaining Defendants [Dkts. 13, 23] and time for undersigned counsel's submission and approval of his *Motion for Admission Pro Hac Vice* [Dkts. 21-22].

2) The number of previous requests for adjournment or extension, and the reason for those requests:

Defendants have not previously requested an extension from the Court.

- 3) Whether these previous requests were granted or denied:
N/A.
- 4) The reason for the instant request:

Defendants request an extension of time to respond to the First Amended Complaint pending effective service on Defendant, Anthony Iatropoulos. On November 27, 2023, Plaintiffs submitted a *Letter-Motion for Extension of Time to Serve and for Alternate Service* [Dkt. 23]. The same day, the Court deferred ruling on the *Motion for Alternative Service* and extended Plaintiffs' time to effect service until **December 27, 2023** [Dkt. 24]. Following the Plaintiffs' submission of *Supplement in Support of Plaintiffs' Letter Motion for Alternative Service* [Doc. 25], the Court then granted alternative service for Defendant RC Maxwell and requested an update on the service of Anthony Iatropoulos no later than **December 15, 2023**. Should Defendant Iatropoulos appear and defend, judicial economy favors all defendants being on the same approximate timetable. Further, Defendants and Plaintiffs may engage a mediator, obviating the need for protracted litigation and an extension would further such along.

- 5) Whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent:

Plaintiffs' counsel consents to the requested extension of Defendants James O'Keefe and O'Keefe Media Group to respond to the First Amended Complaint.

In consideration of the foregoing, Defendants James O'Keefe and O'Keefe Media Group request the Court grant an extension for response to the First Amended Complaint through and until January 15, 2024.

Thank you for your consideration and attention to this matter.

Regards,



Seldon J. Childers

Defendant James O'Keefe's and Defendant O'Keefe Media Group's time to respond to the First Amended Complaint is extended, nunc pro tunc, from 11/7/23 to 01/15/24. The parties may have agreed to an extension from 11/7/23 to 12/7/23, but neither side asked the Court to approve that extension. Going forward, unless the Court indicates that the parties may extend a deadline by agreement, extensions not approved by the Court will be ineffective.

SJC/adm

cc: counsel of record via CM/ECF

12/06/23

SO ORDERED.


CATHY SEIBEL, U.S.D.J.
